

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Ray Anthony Shepard,	)	
	)	Civil Action No. 6:11-1457
Petitioner,	)	
	)	<b><u>REPORT OF MAGISTRATE JUDGE</u></b>
vs.	)	
	)	
Anthony J. Padula,	)	
	)	
Respondent.	)	
_____	)	

The petitioner, a state prisoner proceeding *pro se*, seeks habeas corpus relief pursuant to Title 28, United States Code, Section 2254.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(c), D.S.C., this magistrate judge is authorized to review posttrial petitions for relief and submit findings and recommendations to the District Court.

This matter is before the court on the petitioner's motion for entry of default. The petitioner, a state prisoner who is proceeding *pro se*, seeks habeas corpus relief pursuant to Title 28, United States Code, Section 2254.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(c), D.S.C., this magistrate judge is authorized to review post-trial petitions for relief and submit findings and recommendations to the District Court.

The petitioner contends that the respondent has failed to timely file an answer (also referred to as a "return"). The petitioner is correct that the answer was originally due by August 25, 2011. However, the respondent requested an extension of time, which was

granted by this court on August 26, 2011. Accordingly, the return is due on or before September 26, 2011.

Based upon the foregoing, the motion for entry of default (doc. 20) is meritless and should be denied.

IT IS SO RECOMMENDED.

s/ Kevin F. McDonald  
United States Magistrate Judge

September 22, 2011  
Greenville, South Carolina